

**LAWRENCE COUNTY  
STATE'S ATTORNEY'S OFFICE**

90 SHERMAN STREET  
DEADWOOD, SOUTH DAKOTA 57732  
TELEPHONE (605) 578-1707 FAX (605) 578-1468

Attorney General

OCT 26 2015

382335

October 22, 2015

Attorney General's Office  
1302 E. Highway 14 #1  
Pierre, SD 57501

Re: OPEN MEETINGS VIOLATION OF DEADWOOD CITY COMMISSION

Greetings:

A recent complaint was made of an open meeting violation against the Deadwood City Commission. Upon review, I find that the Complaint has merit, but under the facts and circumstances of the case, I do not find that the interests of justice are served by a prosecution of this matter. In accordance with SDCL 1-25-6(2), I am sending the Attorney General's Office a copy of the Complaint and entire copy of the file this office possess as follows:

1. Letter dated October 22, 2015 to Mark Watson
2. Letter dated October 16, 2015 to John Fitzgerald from Quentin Riggins
3. Letter dated September 18, 2015 to Deadwood City Council from John Fitzgerald
4. Letter to Sheriff Brian Dean dated September 14, 2015 from John Fitzgerald
5. Letter to Mark Watson dated September 14, 2015 from John Fitzgerald
6. Letter to John Fitzgerald dated September 10, 2015 from Mark Watson, Black Hills Pioneer.
7. September 8, 2015 notes from Mark Spier.

Sincerely,



John H. Fitzgerald  
State's Attorney

**LAWRENCE COUNTY  
STATE'S ATTORNEY'S OFFICE**

90 SHERMAN STREET  
DEADWOOD, SOUTH DAKOTA 57732  
TELEPHONE (605) 578-1707 FAX (605) 578-1468

October 22, 2015

Mark Watson  
Managing Editor of the Black Hills Pioneer  
315 Seaton Circle  
Spearfish SD 57783

Thank you for your September 10, 2015 letter outlining your concerns of an open meetings violation regarding the Deadwood City Commission and Mayor action on August 18, 2015. After receiving your written complaint the City Commission was contacted by letter. They were advised that the States Attorneys office had received your complaint of a open meetings violation, and were asked to respond. Additionally, I did speak with Mayor Turbiville and City Commisioner Mark Speirs in person. On October 19, 2015, this office received a written correspondence from the Deadwood City Attorney Quentin Riggins that outlines their actions.

Upon review, it appears there was confusion by the City Commission about the City's action on February 17, 2015. It was at that meeting that the City Commission first approved the use of the concessions stand at the rodeo grounds for a steer roping event by the Days of 76 Committee.

Then on August 17, 2015, the same matter was reconsidered by the City Commission which then denied the use of the concession stands. It remains unclear exactly why the matter was reconsidered or why the Commission changed their position at a time so close to the scheduled event of August 28, 2015.

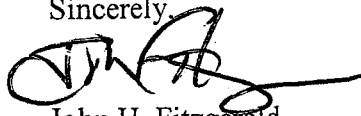
On August 18, 2015, apparently now realizing that they had previously approved the event, and without placing the matter on a posted agenda the City Commission reversed it's action of August 17, 2015. Effectively, now approving to a second time what was first approved on February 17, 2015.

On September 8, 2015, City Commissioner Speirs brought this situation, specifically that official business had been conducted on August 18, 2015, without meeting the requirements of posting the matter on an agenda in advance. At this open, public city commission meeting, no attempt was made to deny or cover up, or mislead anybody about the mistake. In fact, the Mayor apologized publicly on the record for the mistake. As with everything else hindsight is always clearer and a review of the City's prior official action on February 17, 2015, would have revealed that months before the use of the concessions stands by the Days of 76 Committee had already been approved.

In consideration of the fact that once the mistake was discovered there was an apology at an open public meeting for their oversight, the fact that no evidence has been brought to light that there was any pattern of violating the open meetings law, and that the ultimate decision is the same as the original decision. It does not serve the interests of justice to bring further action against the Deadwood City Commission. In accordance with SDCL 1-25-6 this office finds merit to the complaint, but decline to formally prosecute this matter. This decision was reached after reviewing the material submitted and analyzing this matter.

Pursuant to law I will forward my entire file to the South Dakota Attorney General's office.

Sincerely,

A handwritten signature in black ink, appearing to read 'JH Fitzgerald', with a long horizontal flourish extending to the right.

John H. Fitzgerald  
State's Attorney

JF/ms

Xc: Quentin Riggins, Deadwood City Attorney  
South Dakota Attorney General Office

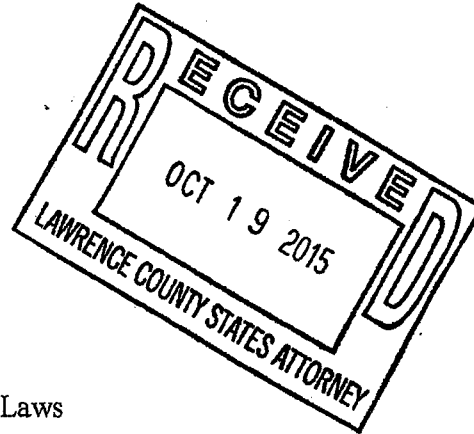
OFFICE OF  
CITY ATTORNEY  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084  
griggins@gpnalaw.com

# DEADWOOD

*"The Historic City of the Black Hills"*  
Deadwood, South Dakota 57732

DEADWOOD CITY HALL  
102 Sherman Street  
Telephone (605) 578-2600

October 16, 2015



John M Fitzgerald  
Lawrence County State's Attorney's Office  
90 Sherman Street  
Deadwood, SD 57732

Re: Alleged Violation of South Dakota Open Meetings Laws

Dear John:

The City Commission has requested that I draft a letter to you outlining the events leading to a complaint which you received in the Black Hills Pioneer regarding alleged violation of South Dakota open meetings laws. On February 17, 2015, the Days of '76 Committee met with the City to request a public hearing to request the allowance of open containers, request a special temporary liquor license and to use the rodeo grounds for Days of '76 Steer Roping Events on August 26 through September 2, 2015. At the time discussion was had regarding the Days of '76 Committee's request to use the rodeo grounds on February 17, 2015, the City had never considered separately whether the use of the concession stand at the rodeo grounds could be leased separately from the grounds itself and in all instances up through February 17, 2015, a decision by the City to allow an organization to use the rodeo grounds also included the right to use the concession stand area. Following discussion, the City Commission voted unanimously to approve a public hearing.

On August 17, 2015, a request to lease the concession stand at the rodeo grounds was placed on the Commission's agenda. The City Commission was unaware that at the time it had approved the use of the rodeo grounds by the Days of '76 Committee, that it had also considered whether or not the Committee could utilize the concession area along with the entirety of the Days of '76 Rodeo grounds. Because there were no representatives of the Days of '76 Committee present, the City ultimately voted to deny this second motion to allow the Committee to use the concession area. The next day a representative from Days of '76 Committee contacted Mayor Chuck Turbiville inquiring why the action that had been previously approved by the City Commission on February 17, 2015, had been denied by the Commission on August 17, 2015.

At that point the Mayor contacted two city commissioners, Jim Van Den Eykel and Dave Ruth, Jr. to inquire as to what should be done in order to address the issue of a duplicate vote. Commissioners Ruth and Van Den Eykel indicated that it was their position that the City had previously approved use of the rodeo grounds along with the concession area, and consequently, the vote of August 17, 2015, was unnecessary and duplicative.

October 16, 2015

Page -2-

At the City Commission meeting of September 8, 2015, Commissioner Mark Speirs stated his concern that a violation of South Dakota public meeting statutes had occurred as a result of the telephone conferences between Mayor Chuck Turbiville and Commissioners Jim Van Den Eykel and Commissioner Dave Ruth, Jr. discussing how the duplicative vote should be best handled. After Commissioner Mark Speirs addressed the Commission, Mayor Turbiville indicated that if a violation of public meetings laws had occurred, it was due to confusion over whether the Commission had previously approved action which was then brought to vote a second time. Mayor Turbiville then indicated to the public that if a violation of the open meetings laws did occur, it was one which would not happen again. Following this statement by Mayor Turbiville, the Commission unanimously voted to rescind the vote of August 17, 2015, which left only the action approved on February 17, 2015.

If a violation of South Dakota open meetings statutes occurred, it is apparent that the violation was as a result of confusion after having discovered that the Commission previously approved the requests of the Days of '76 Committee prior to the vote of August 17, 2015, which led the City to deny the second duplicative request. The actions taken by the Commissioners in discussing this matter further via separate telephone conversations and not with a quorum present, were to address the duplicate vote on the same topic and not to conduct further business. However, to the extent that any violations occurred, the City took steps to apologize to the general public in open session of the City Commission meeting of September 8, 2015 and to assure the general public that no similar actions would be taken in the future. The Commission then discussed a proposed motion to rescind the vote of August 17, 2015 and voted unanimously to rescind its vote after public discussion. If a violation occurred, the public was not harmed in anyway and assurances were given that there would be no reoccurrences.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Quentin Riggins", with a stylized flourish at the end.

Quentin Riggins  
City of Deadwood Attorney

QLR/ath

c: Charles Turbiville, Mayor

**LAWRENCE COUNTY  
STATE'S ATTORNEY'S OFFICE  
90 SHERMAN STREET  
DEADWOOD, SOUTH DAKOTA 57732  
TELEPHONE (605) 578-1707 FAX (605) 578-1468**

September 18, 2015

Mayor Charles "Chuck" Turbiville  
767 Main Street  
Deadwood, SD 57732  
mayor@cityofdeadwood.com  
(605)278-2082 (wk)  
(605)920-1657 (cell)

David Ruth Jr.  
35 Madison Street  
Deadwood, SD 57732  
dokruth2001@yahoo.com  
(605)920-1192 (cell)

Mark Speirs  
34 Van Buren Street  
Deadwood, SD 57732  
mark.speirs1952@gmail.com  
(605)578-1179 (hm)

Gary Todd  
4 Spring Street  
Deadwood, SD 57732  
(605)578-2056 (hm)

Jim Van Den Eykel  
PO Box 666  
Deadwood, SD 57732  
(605) 722-4975 (hm)

RE: Open Meeting Complaint

Gentleman,

Enclosed please find a copy of a complaint from the Black Hills Pioneer received by the State's Attorney's Office. As you know SDCL 1-25-6, requires a State's Attorney on receipt of a complaint of an alleged open meetings violation to take some action. The allegation in essence is that the City Council took official action outside of a properly noticed official meeting in violation of SDCL Ch. 1-25.

This complaint is being provided to your office as it concerns an official action of the Deadwood City Council. Please review and respond at your earliest convenience. Thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Fitzgerald', written over the word 'Sincerely,'.

John Fitzgerald  
Lawrence County State's Attorney

LAWRENCE COUNTY  
STATE'S ATTORNEY'S OFFICE  
90 SHERMAN STREET  
DEADWOOD, SOUTH DAKOTA 57732  
TELEPHONE (605) 578-1707 FAX (605) 578-1468

September 14, 2015

Sheriff's Brian Dean  
Lawrence County Sheriff's Department  
Deadwood, SD 57732

RE: Alleged Open Meeting Violation

Dear Sheriff Dean,

Please find enclosed letter dated September 10, 2015 from Mark Watson the editor of the Black Hills Pioneer. In essence this is their request for an investigation of Deadwood's City Officials for a violation of the Open Meeting Law pursuant to SDCL Ch 1-25.

We are requesting your office investigate do to a conflict of interest of the Deadwood Police Department investigating their own City Officials. Enclosed is a copy of SDCL 1-25-6, which sets fourth the alternative types of resolutions of these matters. Thank you in advance for your attention in this matter.

Sincerely,



John Fitzgerald  
Lawrence County State's Attorney

Inform 2 Tmt (Sheriff's office)  
They had Conflict  
Investigate as  
Sheriff served on  
a Committee with Mayor  
J.F.  
9/15/15



**LAWRENCE COUNTY  
STATE'S ATTORNEY'S OFFICE  
90 SHERMAN STREET  
DEADWOOD, SOUTH DAKOTA 57732  
TELEPHONE (605) 578-1707 FAX (605) 578-1468**

September 14, 2015

Mark Watson  
Managing Editor Black Hills Pioneer  
PO Box 7  
Spearfish, SD 57783

RE: Letter dated September 10, 2015

Mr. Watson,

This is to acknowledge receipt of your letter dated September 10, 2015 concerning an open meetings violation. This Office has requested this matter be investigated by law enforcement. We will advise you when the investigation is completed, and what, if any, future action will be taken.

Sincerely,



John Fitzgerald  
Lawrence County State's Attorney

Sept. 10, 2015

Mr. John Fitzgerald  
Lawrence County States Attorney  
90 Sherman St  
Deadwood SD 57732

Dear Mr. Fitzgerald

I am writing you on behalf of the Black Hills Pioneer, to formally request you begin an open meetings violation complaint in the matter of an Aug. 18, 2015 meeting by telephone of Deadwood City Commission members and the mayor.

On Feb. 17, there was an item on the Deadwood City Commission regarding the Days of '76 committee's use of the rodeo ground concession stands for the Aug. 28-30 steer roping event. That agenda item passed allowing the committee to utilize the concession stands for the event.

On Aug. 17 the use of the concession stands for the steer roping event was again placed on the Deadwood City Commission's agenda. Days of '76 committee member Jon Mattson spoke to the commission on the matter. This time, the city commission denied the use of the concession stands by a 4-1 vote.

The next morning, Aug. 18, Mayor Chuck Turbiville discussed the matter with Days of '76 Chairman Chris Roberts and Public Works Director Ron Green. Mayor Turbiville later telephoned Commissioners David Ruth Jr. and Jim Van Den Eykel. They voted over the phone to allow the Days of '76 committee to use the concession stands for the Aug. 28-30 steer roping event.

The Black Hills Pioneer contends that at no time was an agenda for the Aug. 18 meeting posted as required by SDCL 1-25-1, let alone the required 24 hours in advance of meetings.

Commissioner Mark Speirs addressed the full Deadwood City Commission on Tuesday, Sept. 8 in an action item "APPROVE MINUTES OF August 18, 2015 Statement by Commissioner Speirs and motion to amend minutes of August 17 to reflect result of phone vote on August 18 which reversed decision and allowed Days of 76 Inc. use of concessions at no charge for event to be held on August 28-30, 2015" During his address he said the "phone vote violated the 'open meetings' laws of this state."

Additionally, the Black Hills Pioneer is concerned that Mayor Turbiville did not attempt to contact two of the commissioners, Mark Speirs and Gary Todd, to gain their opinion regarding the Aug. 17 vote. On Tuesday, Mayor Turbiville responded to Commissioner Speirs' address. "Should we have called you, yes. I didn't call Gary because Gary usually works," he said.

Additionally, we are concerned that Mayor Turbiville stated at Tuesday's meeting that at the Aug. 17 meeting no one spoke for or against the requested use of the concession stand. He admitted that Jon Mattson was in attendance but said Mattson did not speak. However, the city's own minutes from the Aug. 17 meeting indicate that the Mattson did address the commission. "Mattson stated Ron Hoffman would do the catering," according to the city's minutes.

I respectfully request you open an open meetings investigation. I understand that you can also pass the issue along to the Open Meetings Commission for investigation.

Please inform me to the status of this investigation in a timely manner.

Thank you for your consideration.

Respectfully

A handwritten signature in cursive script that reads "Mark Watson".

Mark Watson

Managing editor, Black Hills Pioneer

1-25-6. Duty of state's attorney on receipt of complaint alleging chapter violation. If a complaint alleging a violation of this chapter is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

- (1) Prosecute the case pursuant to Title 23A;
- (2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or
- (3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

**Source:** SL 2004, ch 19, § 1.

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7/18/2015

Point of Order:

The minutes of the Aug 17<sup>th</sup> commission meeting need to be amended to include a phone vote, taken by the mayor, that changed the vote of the whole commission, to allow the rodeo grounds concessions to be used by the 76 Steer Roping event on Aug 28<sup>th</sup>, 29<sup>th</sup> & 30<sup>th</sup>.

I, being the commissioner over Public Works and Public Buildings was never contacted concerning this matter, neither was my fellow commissioner Gary Todd. This phone vote violated the "Open Meetings" laws of this state.

I can see the use of such a vote when it concerns public safety in an emergency situation. I cannot see how this vote qualifies as such. I truly believe in open government. I would like to see a motion made by one of the participating commissioner to recognize this vote and put it on the record.

Truly, I recognize that at times, I too have made decisions, wrongly; in an attempt to get something done or to achieve results. It is not easy being the mayor of Deadwood. I respect Chuck and his position on this commission, but we must all live up to our oath of office.  
Thank you!



STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

<http://atg.sd.gov/>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

October 28, 2015

Quentin Riggins  
Office of City Attorney  
108 Sherman Street  
Deadwood, SD 57732

Re: In the Matter of Open Meeting Complaint 2015-03, Deadwood City  
Commission – Lawrence County

Dear Mr. Riggins,

I have received an open meetings complaint concerning the Deadwood City Commission. The Complaint was signed by Mark Watson, Managing Editor of the Black Hills Pioneer. The Complaint was reviewed and forwarded to me, pursuant to SDCL 1-27-6(3), by Lawrence County State's Attorney John H. Fitzgerald. Enclosed is a copy of all the materials I have received.

If the Deadwood City Commission wishes to file a response to the complaint, please send it to the above address on or before November 30, 2015. Please also send copies of any response to Mr. Watson (Black Hills Pioneer, 315 Seaton Circle, Spearfish, South Dakota 57783) and to State's Attorney Fitzgerald.

After I have received your response, all materials will be sent to the members of the Commission. The Commission has scheduled its next meeting for the afternoon of December 16, 2015, in Chamberlain. The City will be asked to make a short presentation regarding the complaint at this meeting. You may waive this presentation if you wish. You will be given further notice of the location of the meeting once it has been settled upon.

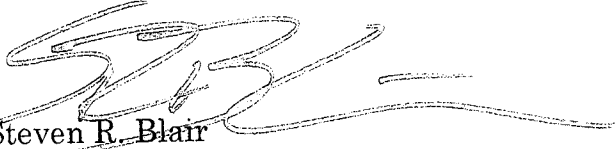
October 28, 2015

Re: In the Matter of Open Meeting Complaint 2015-03

Page 2

If you have any questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "SRB", with a long horizontal flourish extending to the right.

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosures

Cc w/o Enclosures: Mark Watson, Black Hills Pioneer  
John H. Fitzgerald, Lawrence County State's Attorney





STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

October 28, 2015

Mark Watson  
Managing Editor of the Black Hills Pioneer  
315 Seaton Circle  
Spearfish, SD 57783

Re: In the Matter of Open Meeting Complaint 2015-03, Deadwood City  
Commission – Lawrence County

Dear Mr. Watson,

This letter is to acknowledge receipt of an open meetings complaint filed by you against the Deadwood City Commission. The complaint was forwarded to me by Lawrence County State's Attorney John H. Fitzgerald. A copy of the complaint materials have been submitted to the Deadwood City Commission for their response. I have asked the City Commission to file a response no later than November 30, 2015. I have also requested that the City Commission mail you a copy of any response they file.

The Open Meetings Commission has scheduled its next meeting for the afternoon of December 16, 2015, in Chamberlain. I will notify you of the location once one is settled upon. You will be asked to make a brief presentation regarding the complaint when the complaint is heard by the Commission. You may waive this presentation if you wish.

October 28, 2015

Re: In the Matter of Open Meeting Complaint 2015-03

Page 2

If you have any questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "SRB", with a long horizontal flourish extending to the right.

Steven R. Blair

Assistant Attorney General

SRB/jm

Enclosure

Cc: Quentin Riggins – City Attorney for Deadwood City Commission  
John H. Fitzgerald – Lawrence County State's Attorney



OFFICE OF  
CITY ATTORNEY  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084  
griggins@gpnlaw.com

# DEADWOOD

*"The Historic City of the Black Hills"*  
Deadwood, South Dakota 57732

Attorney General

NOV 13 2015

DEADWOOD CITY HALL  
102 Sherman Street  
Telephone (605) 578-2600

November 10, 2015

Steven R. Blair  
Assistant Attorney General  
Office of Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota, 57501-8501

Re: In the Matter of Open Meeting Complaint 2015-03 -  
Deadwood City Commission - Lawrence County

Dear Mr. Blair:

Pursuant to our telephone conversation of November 10, 2015, I am writing to request the meeting set for the afternoon of December 16, 2015, before the Open Meetings Commission be continued to the next available date.

As we discussed in our telephone conversation, I have a trial which was previously scheduled for December 16, 2015. Because of the nature of that case, I am uncomfortable sending another member of my firm to handle the trial. As such, I request a continuance which would allow me to be present at the meeting. Thank you for your consideration in this regard.

Sincerely,



Quentin Riggins  
City of Deadwood Attorney

QLR/ath  
c: City of Deadwood



STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

November 18, 2015

Mark Watson  
Black Hills Pioneer  
P.O. Box 7  
Spearfish, SD 57783

Re: In re Open Meetings Complaint 2015-03, Deadwood City Commission

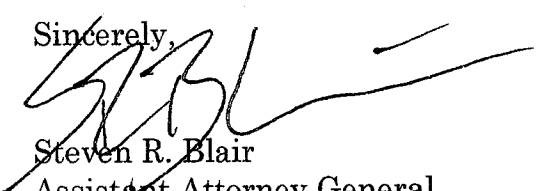
Mr. Watson

Enclosed please find a Notice of Hearing regarding the above referenced open meetings complaint. Also enclosed, please find a courtesy copy of the proposed agenda for the Commission's December 16th meeting. Deadwood City Attorney Quentin Riggins has advised me that he has another matter scheduled for December 16, and has requested that the hearing before the Commission be continued to the next available date. Enclosed you will find a copy of the letter Mr. Riggins' submitted to me.

I am inclined to grant Mr. Riggins' request. The Commission, however, has not set its next meeting date, and it will most likely not meet again until late winter or early spring. Please respond in writing whether you consent to Mr. Riggins' request or you object to continuing the matter.

If you have any questions or wish to discuss this matter further please don't hesitate to contact me.

Sincerely,



Steven R. Blair

Assistant Attorney General

SRB/jm  
Enclosures

Cc: Quentin Riggins

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

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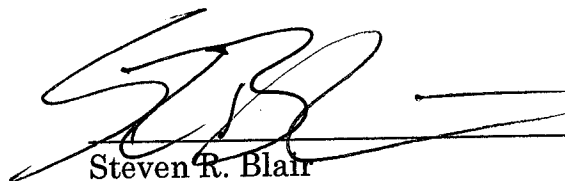
IN THE MATTER OF OPEN	)	OMC 2015-03
MEETINGS COMPLAINT AGAINST	)	
DEADWOOD CITY COMMISSION –	)	NOTICE OF HEARING
LAWRENCE COUNTY	)	

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TO: Mark Watson, Black Hills Pioneer, 315 Seaton Circle, Spearfish, South Dakota 57783; and Deadwood City Commission, through their counsel of record, Quentin Riggins, Office of City Attorney, 108 Sherman Street, Deadwood, South Dakota 57732:

Please take notice that a hearing regarding the above referenced open meetings complaint will be held before the South Dakota Open Meetings Commission, at the Cedar Shore Resort – 1500 Shoreline Drive, Oacoma, South Dakota, on Wednesday, December 16, 2015. Oral presentations regarding pending complaints will commence at 1:00 P.M. central time, or soon thereafter as matters may be heard, and proceed in the order noted in the attached agenda.

Dated this 18<sup>th</sup> day of November, 2015.



Steven R. Blair  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215



# SOUTH DAKOTA OPEN MEETINGS COMMISSION

## AGENDA

Cedar Shore Resort  
1500 Shoreline Drive  
Oacoma, South Dakota

December 16, 2015  
1:00 p.m. Central Time

1. Approval of the Agenda
2. Approval of the Minutes of May 5, 2015 meeting.
3. Consideration of Findings of Fact and Conclusions of Law
  - A. In the Matter of Open Meeting Complaint 14-05, Imlay Township Board of Supervisors
4. Consideration of Pending Complaints
  - A. In the Matter of Open Meeting Complaint 15-01, Mitchell City Council

Oral Presentations:

Complainant Evan Hendershot-15 minutes (a portion of this time may be reserved for rebuttal)

Mitchell City Council -15 minutes
  - B. In the Matter of Open Meeting Complaint 15-02, Sully County Planning and Zoning Commission, Sully County Commission, and the Sully County Planning and Zoning Commission sitting as the Board of Adjustment

Oral Presentations:

Complainant Adam H. Altman-15 minutes (a portion of this time may be reserved for rebuttal)

Sully County Planning and Zoning Commission, Sully County Commission, and the Sully County Planning and Zoning Commission sitting as the Board of Adjustment -15 minutes
  - C. In the Matter of Open Meeting Complaint 15-03, Deadwood City Commission

Oral Presentations:

Complainant Mark Watson -15 minutes (a portion of this time may be reserved for rebuttal)

Deadwood City Commission -15 minutes
5. Election of Chairman

6. Updated Open Government brochure

All items are scheduled for 01:00 P.M. Central Time. Scheduled items may be delayed, moved forward on the agenda or moved to a later agenda item at the discretion of the OMC.

For information call Steve Blair 605-773-3215.

**Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.**





**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
TTY (605) 773-6585  
<http://atg.sd.gov/>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

December 1, 2015

Mark Watson  
Black Hills Pioneer  
P.O. Box 7  
Spearfish, SD 57783

Quentin Riggins  
Deadwood City Attorney  
108 Sherman Street  
Deadwood, SD 57732

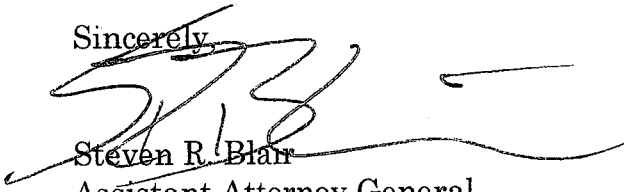
Re: In re Open Meetings Complaint 2015-03, Deadwood City Commission

Mr. Watson & Mr. Riggins:

This above referenced matter was recently scheduled to be heard by the Open Meetings Commission on December 16, 2015. As all are aware, Mr. Riggins requested a continuance of that hearing due to a scheduling conflict. Having been informed that Mr. Watson does not object to the request, the hearing for the complaint filed against the Deadwood City Commission will be continued to the Open Meetings Commission's next available meeting date. As was indicated previously, the Commission will most likely meet again in late winter or early spring of 2016.

If you have any questions or wish to discuss this matter further please don't hesitate to contact me.

Sincerely,



Steven R. Blair

Assistant Attorney General

SRB/jm



STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501

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**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

March 22, 2016

Mark Watson  
Black Hills Pioneer  
315 Seaton Circle  
Spearfish, SD 57783

Quentin Riggins  
Office of City Attorney  
108 Sherman Street  
Deadwood, SD 57732

Re: In the Matter of Open Meeting Complaint 2015-03, Deadwood City  
Commission – Lawrence County

Dear Mr. Watson & Mr. Riggins,

Enclosed please find a Notice of Hearing regarding the above referenced open meetings complaint. Also enclosed, please find a courtesy copy of the proposed agenda for the Commission's May 4th meeting. As you can see from the agenda, presentations regarding complaints will begin at 2:00 p.m. mountain time, or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB".

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosure

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

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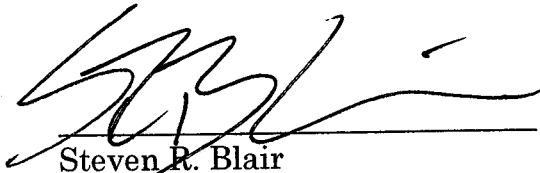
IN THE MATTER OF OPEN	)	OMC 2015-03
MEETINGS COMPLAINT AGAINST	)	
DEADWOOD CITY COMMISSION –	)	NOTICE OF HEARING
LAWRENCE COUNTY	)	

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TO: Mark Watson, Black Hills Pioneer, 315 Seaton Circle, Spearfish, South Dakota 57783; and Deadwood City Commission, through their counsel of record, Quentin Riggins, Office of City Attorney, 108 Sherman Street, Deadwood, South Dakota 57732:

Please take notice that a hearing regarding the above referenced open meetings complaint will be held before the South Dakota Open Meetings Commission, at The Lodge at Deadwood, Roosevelt Room, 100 Pine Crest Lane, Deadwood, South Dakota, on Wednesday, May 4, 2016. Oral presentations regarding pending complaints will commence at 2:00 P.M. mountain time, or soon thereafter as matters may be heard, and proceed in the order noted in the attached agenda.

Dated this 22 day of March, 2016.

  
Steven R. Blair  
Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215

# SOUTH DAKOTA OPEN MEETING COMMISSION

## AGENDA

The Lodge at Deadwood  
Roosevelt Room  
100 Pine Crest Lane  
Deadwood, South Dakota

May 4, 2016  
2:00 p.m. Mountain Time

1. Approval of the Agenda.
2. Approval of the Minutes of December 16, 2015 meeting.
3. *In the Matter of Open Meeting Complaint 15-03 Deadwood City Commission*

Oral Presentations:

Complainant Mark Watson -15 minutes (a portion of this time may be reserved for rebuttal)

Deadwood City Commission -15 minutes

4. *In the Matter of Open Meeting Complaint 15-04 Newell School Board*

Oral Presentations:

Complainant Neal Rogers -15 minutes (a portion of this time may be reserved for rebuttal)

Newell School Board -15 minutes

6. Consideration of the Motion for Reconsideration *In the Matter of Open Meeting Complaint 15-01, Mitchell City Council.*
7. Consideration of Findings of Fact and Conclusions of Law *In the Matter of Open Meeting Complaint 15-01, Mitchell City Council.*
8. Consideration of Findings of Fact and Conclusions of Law *In the Matter of Open Meeting Complaint 15-02, Sully County Planning and Zoning Commission, Sully County Commission, and the Sully County Planning and Zoning Commission sitting as the Board of Adjustment.*
9. Discussion regarding preparation of the minutes.
10. Discussion of 2016 Legislative Session.
11. Discussion regarding future legislation.

All items are scheduled for 2:00 P.M. Mountain Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

For information call Steve Blair 605-773-3215.



**Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.**



STATE OF SOUTH DAKOTA



**OFFICE OF ATTORNEY GENERAL**

1302 East Highway 14, Suite 1  
Pierre, South Dakota 57501-8501  
Phone (605) 773-3215  
Fax (605) 773-4106  
TTY (605) 773-6585  
<http://atg.sd.gov/>

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

April 11, 2016

Mark Watson  
Managing Editor of the Black Hills Pioneer  
315 Seaton Circle  
Spearfish, SD 57783

Re: In the Matter of Open Meeting Complaint 2015-03, Deadwood City  
Commission – Lawrence County

Dear Mr. Watson,

Enclosed please find a copy of the Deadwood City Commission's response to your open meetings complaint filed with the Open Meetings Commission.

If you have any questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB", followed by a horizontal line.

Steven R. Blair  
Assistant Attorney General

SRB/jm  
Enclosure

Cc: Quentin Riggins – City Attorney for Deadwood City Commission

OFFICE OF  
CITY ATTORNEY  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-2084  
griggins@gpnlaw.com

# DEADWOOD

*"The Historic City of the Black Hills"*  
Deadwood, South Dakota 57732

387688  
Attorney General  
APR 08 2016  
DEADWOOD CITY HALL  
102 Sherman Street  
Telephone (605) 578-2600

April 6, 2016

Steven R. Blair  
Assistant Attorney General  
Office of Attorney General  
1302 East Highway 14, Suite 1  
Pierre, South Dakota, 57501-8501

Re: In the Matter of Open Meeting Complaint 2015-03 -  
Deadwood City Commission – Lawrence County

Dear Mr. Blair:

The City of Deadwood takes the allegations in this matter very seriously and has always striven to ensure compliance with SDCL § 1-25, et al. In the present case, the allegation arose as a result of confusion. Specifically, on February 17, 2015, the Commission heard a request from the Days of '76, Inc. regarding use of the rodeo grounds from August 26, through September 2, 2015. With a motion and second, this request was approved unanimously. See attached 2/17/15 minutes. After approval of use of the rodeo grounds at the February 17, 2015 commission meeting, the Days of '76 complex was renovated by the City during the summer of 2015, including significant renovations to the concession stand. Prior to these renovations, the City had never considered the use of the rodeo grounds concession stands separate from the use of the rodeo grounds itself. As such, prior to renovation of the Days of '76 complex all requests for the use of the Days of '76 complex, approved by the Commission, permitted the user to utilize the entirety of the complex, including the concession area.

Following completion of renovations to the Days of '76 complex, the City adopted a policy which considered the lease of the concession area of the Days of '76 complex separate from the lease of the arena.

On August 17, 2015, the Days of '76, Inc. appeared before the Deadwood City Commission to request use of the Days of '76 concession area from August 28 through August 30, 2015. This duplicate request was for the same event which had been previously approved by the City Commission on February 17, 2015. See attached 8/17/15 minutes. When this request was heard on August 17, 2015, neither the Mayor nor any of the Commissioners recalled the previous vote at the February 17, 2015, when the Commission unanimously agreed to allow Days of '76, Inc. to utilize the Days of '76 complex, including the concession area. Unaware that the Commission had previously granted Days of '76, Inc.'s request for the use of the Days of '76 complex, including the concession area, the Commission voted to deny Days of '76, Inc. the ability to use the concession area in part because no representative of Days of '76, Inc. explained why the request was made or the fact that Days of '76, Inc. had previously been granted the ability the Days of '76 complex, including the concession area.

April 6, 2016

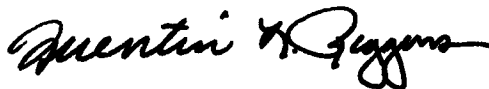
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When Mayor Charles Turbiville learned from Days of '76, Inc. that its request to utilize the Days of '76 complex had been previously granted in February, the Mayor contacted Jim Van Den Eykel and Dave Ruth to inquire as to what they thought should be done, given that a duplicate vote occurred at the August 17, 2015, meeting. Both Commissioners Ruth and Van Den Eykel indicated that it was their position that the City had previously approved the use of the Days of '76 complex along with the concession area, making the August 17, 2015 vote unnecessary and duplicative.

At the next City Commission meeting on September 8, 2015, Commissioner Mark Speirs voiced his concerns that a violation of South Dakota public meetings statutes had occurred as a result of the telephone conferences between the Mayor and Commissioners Van Den Eykel and Ruth discussing how the duplicative vote should be handled. Mr. Speirs' written statement about his concerns was previously provided to the Open Meetings Commission. After Commissioner Speirs voiced his concerns, Mayor Turbiville discussed the circumstances which led to the phone calls with Commissioners Van Den Eykel and Ruth. Mayor Turbiville further indicated that if a violation of open meeting laws had occurred it was due to confusion over whether or not the Commission action approving use of the Days of '76 complex, including the concession area on February 17, 2015, had already addressed the issue and whether or not the second vote on August 17, 2015 had been properly brought before the Commission under the circumstances. Mayor Turbiville indicated to the general public that if a violation of open meetings laws did occur, this violation was a result of confusion and deliberate action on the part of the City, and it was the type of action that would not occur in the future. Mayor Turbiville apologized to the general public in the event an open meetings violation did occur. Following this apology, the City Commission voted unanimously to rescind the vote of August 17, 2015, clarifying that its previous vote on February 17, 2015, was the only action approved by the Commission.

If a violation of the South Dakota open meetings laws occurred, it is apparent that the violation was a result of confusion after discovering that the Commission had previously approved the use of the Days of '76 complex, including the concession area prior to the vote held on August 17, 2015. The action taken by Mayor Turbiville in discussing the duplicate vote with two Commissioners without previously posting notice of a Commission meeting was to address a duplicate vote that had occurred and no further business was conducted. To the extent that any violation occurred, the Mayor immediately issued an apology to the general public and reassure the general public that no similar actions would be taken in the future. If a violation did occur, the public was not harmed in any way and assurances have been given that no such an occurrence will happen in the future.

Sincerely,



Quentin Riggins  
City of Deadwood Attorney

QLR/ath  
c: City of Deadwood

## REGULAR MEETING, February 17, 2015

The Regular Session of the Deadwood City Commission convened on February 17, 2015 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Turbiville called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins and Commissioners David Ruth Jr., Georgeann Silvernail, Gary Todd and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Ruth moved, Van Den Eykel seconded to approve the minutes of February 2, 2015. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Silvernail moved, Todd seconded to approve the February 17, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

A & B WELDING	RENTAL	238.28
ABC BUSINESS	SUPPLIES	311.35
AINSWORTH-BENNING	PROJECT	32,736.26
ALBERTSON ENGINEERING	PROJECT	8,775.10
ALL AROUND AUTO	SUPPLIES	1,191.14
ALSCO	MATS	71.57
AMAZON	SERVICE	229.24
AMERICAN LEGAL	SERVICE	1,004.54
AUGUSTANA	CONFERENCE	1,000.00
AVX NORTHWEST	SYSTEM	2,617.00
BH PIONEER	ADS	575.80
BH SECURITY	SERVICE	1,839.70
BH URGENT CARE	TESTING	138.00
BOYER TRUCKS	PUMP	14.65
CHAMBERLIN ARCHITECTS	PROJECT	44,652.79
COMFORT INN	CONFERENCE	1,010.00
DAKOTA SECURITY	SERVICE	579.43
DAKOTA SUPPLY	LOCATOR	760.00
DEADWOOD BUSINESS CLUB	ALLOCATION	33,000.00
DEADWOOD CHAMBER	PRODUCTION	62,500.00
DEADWOOD ELECTRIC	SERVICE	91.72
DRIVERS LICENSE	GUIDE	100.75
DUNCAN PARKING	SUPPLIES	1,347.19
ESRI	CONTRACT	12,000.00
FARMER BROTHERS	SUPPLIES	405.80
FASTENAL	BATTERIES	137.78
FULLER, KELLY	REIMBURSEMENT	828.25
FUROIIS, RD & SUMMERS, JOHN	PAYMENT	20,250.00
GOLDEN WEST	PAGERS	855.40
GOOD SHEPHERD CLINIC	ALLOCATION	1,000.00
HAMANN, ALEX	REIMBURSEMENT	27.05
HAWKINS	CHEMICALS	1,017.10
INLAND TRUCK	SUPPLIES	554.45
INTEGRATED PARKING	MAINTENANCE	592.00
INTERSTATE BATTERY	BATTERIES	522.70
JACOBS WELDING	FLAT BAR/CUTTING EDGES	448.31
KNECHT	SUPPLIES	942.25
KT CONNECTIONS	REPAIR	216.50
LAWRENCE CO. REGISTER	RECORDING	90.00
LEAD-DEADWOOD SANITARY	USAGE	24,554.87
LOWE ROOFING	PROJECT	45,407.00
M & T FIRE	MACHINES	214.90
M&M SANITATION	RENTAL	205.00
MERTENS, KENNETH	REIMBURSEMENT	293.72
MID-STATES ORGANIZED	MEMBERSHIP	150.00
MIDCONTINENT	SERVICE	65.00
MLSC	TEST	246.00
MS MAIL	SERVICE	1,030.08
NARTEC	SUPPLIES	285.36
NEIGHBORHOOD LENDING	REPORT	1,565.23
NETWORK SERVICES	SUPPLIES	391.91
NEVE'S	UNIFORMS	164.85
NORTHERN HILLS TECHNOLOGY	SERVICE	36.00
PIONEER PRODUCTS	SUPPLIES	298.96
QUIK SIGNS	SIGNS	359.88
QUILL	SUPPLIES	325.60
RC JOURNAL	BOOK	95.85
RENNER, DONOVAN	REIMBURSEMENT	433.00
ROGER BROOKS	SERVICE	8,000.00
RUNGE, MIKE	REIMBURSEMENT	169.60
SANITATION PRODUCTS	SUPPLIES	222.80
SD COMMISSION ON GAMING	CITY SLOTS	18,852.27
SD DENR	CERTIFICATION	12.00
SD DEPT OF REVENUE	TAX	2,386.70
SD PUBLIC HEALTH LAB	TESTING	15.00
SERVALL	SUPPLIES	153.58
SD HISTORICAL	GRANT	19,150.00
SOUTH EASTERN COUNCIL	MEMBERSHIP	130.00
SOUTHSIDE SERVICE	REPAIR	762.88
SPECIALTY VEHICLES	MIRROR	963.71
STRETCH'S GLASS	SERVICE	238.36
STURDEVANT'S	SUPPLIES	1,596.33
SYMBOL ARTS	BADGE	95.00
TALLGRASS	PROJECT	360.00
TASER INTERNATIONAL	EQUIPMENT	6,521.70

## REGULAR MEETING, February 17, 2015

TEEN COURT	ALLOCATION	8,500.00
TRIDLE, JOHN	REIMBURSEMENT	47.87
TRIPLE K	REPAIR	537.72
TSP	PROJECT	1,682.49
TURBIVILLE, CHARLES	REIMBURSEMENT	359.00
VERIZON	SERVICE	80.02
W.S. DARLEY	KEYS	399.90
WASTE CONNECTIONS	SERVICE	7,754.59
WESTERN COMMUNICATIONS	CONNECTOR	24.00
WHITE'S CANYON	SOLE	96.55
WOW	SERVICE	1,625.51
TOTAL		\$391,532.89

### CONSENT

Silvernail moved, Todd seconded to approve the following consent items. Roll Call: Aye-All.  
Motion carried.

- A. Accept resignation of Gregory Vecchi from Police Department effective January 28, 2015.
- B. Permission to renew system support for File Director Document Manager with Active Date Systems at a cost of \$6,074.54. Cost shared between Finance and Historic Preservation budgets.
- C. Permission for mayor to sign agreement with Midwest Art Conservation Center to provide conservation treatments on textile objects (approved on February 2, 2015.)
- D. Permission for Mayor to sign agreement with Maryland Archeological Conservation Laboratory to provide conservation treatments to 49 items unearthed during 2001-2004 Chinatown investigation at cost of \$2,200.00.
- E. Permission to hire Janet Lanphear as temporary part time employee at Public Works Department at rate of \$17.38 per hour effective March 9, 2015.
- F. Pay City of Lead \$2,535.67 for ½ of Twin City Animal Shelter expenses per agreement.
- G. Pass Resolution 2015-06 Designating Special Events recognized by the City of Deadwood for purposes of Ordinances Section 15.32.100 and 15.32.140.

### **A RESOLUTION DESIGNATING SPECIAL EVENTS RECOGNIZED BY THE CITY OF DEADWOOD FOR PURPOSES OF ORDINANCES 15.32.100 AND 15.32.140**

**BE IT RESOLVED** by the Deadwood City Commission that the following events, with their respective months of occurrence, are hereby recognized for the year 2015 as "special or civic event(s)" for purposes of Ordinances 15.32.100 and 15.32.140:

<u>Special or Civic Event:</u>	<u>Date(s) of Event:</u>
1. St. Patrick's Day	March 13-14, 2015
2. Cinco De Mayo	May 2, 2015
3. Mickelson Trail Marathon	June 6-7, 2015
4. Wild Bill Hickok Days	June 19-20, 2015
5. Fourth of July	July 4, 2015
6. Days of '76	July 21-25, 2015
7. Sturgis Bike Rally	August 1-9, 2015
8. Kool Deadwood Nites	August 20-23, 2015
9. Deadwood Jam	September 18-19, 2015
10. Oktoberfest	October 2-3, 2015
11. Deadweird	October 31, 2015

Dated this 17th day of February, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor

- H. Permission for Mayor to sign contract with Albertson Engineering Inc. at cost not to exceed \$45,000.00. Contract includes additional insurance required by City Commission.
- I. Permission to hire the following at Deadwood Rec Center: Peggy McDonald at front desk at \$10.20 per hour effective March 8, 2015 and Ben Anderson as lifeguard at \$8.50 per hour effective February 19, 2015 pending pre-employment screening.
- J. Permission for Mayor to sign contract with Lescka Inc. for Mickelson Trail boardwalk at cost of \$214,000.00. Commission approved on February 2, 2015.
- K. Permission to enter into contract with Donald Toms to index twelve ledgers at cost not to exceed \$8,000.00 to be paid from Archives, budgeted item.

## REGULAR MEETING, February 17, 2015

### BID ITEMS

#### Accept

Todd moved, Van Den Eykel seconded to accept low bid from Rosenbauer opened on February 2, 2015 for fire truck apparatus and reject all options for cost of \$260,926.00, less \$1,925.00 for payment when chassis arrives on site. Purchase to be paid from truck reserve. Roll Call: Aye-All. Motion carried.

#### Purchase

Silvernail moved, Ruth seconded to allow Fire Department to purchase the following equipment direct from vendor: used TNT equipment from Allegiant at cost of \$12,000.00 and para-tech bags direct from M&T at cost of \$4,520.00. Purchase to be paid from truck reserve. Roll Call: Aye-All. Motion carried.

#### Change Order

Ruth moved, Silvernail seconded to approve change order #1 to deduct \$5,886 from Rosenbauer contract and allow Fire Department to purchase two hose and reels directly. Roll Call: Aye-All. Motion carried.

#### Accept

Van Den Eykel moved, Todd seconded to low bid plus alternates from CAI2 Construction for St. Ambrose project in the amount of \$392,709.00. Bids were opened on February 2, 2015. Roll Call: Aye-All. Motion carried.

### PUBLIC HEARINGS

#### 3 Wheeler Motorcycle Rally

Public hearing was opened at 5:04 p.m. by Mayor Turbiville. Terry Sankey, on behalf of First Gold and Deadwood Mountain Grand, requested approval for the following:

#### Street Closure

Silvernail moved, Todd seconded to approve the street closure on Main Street from Four Aces to the Masonic Temple from 6:00 p.m. to 8:00 p.m. or until parade ends. Roll Call: Aye-All. Motion carried.

#### St. Patrick's Day

Public hearing was opened at 5:06 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber of Commerce requested approval for the following:

#### Open Container

Friday March 13, 2015

Silvernail moved, Ruth seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Saturday March 14, 2015

Silvernail moved, Van Den Eykel seconded to allow the relaxation of the open container ordinance for same area as approved on March 13, 2014 from 12:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

#### Street Closure/Banner Fees

Silvernail moved, Todd seconded to approve the waiver of banner fees and street closure on Main Street from Wall Street to Deadwood Street on Saturday March 14, 2015 from 2:30 p.m. to 6:00 p.m. for Pub Crawl, and from Four Aces to Masonic Temple from 6:45 p.m. to 8:00 p.m. or until parade ends. Roll Call: Aye-All. Motion carried.

Anderson thanked the Commission and City for the support during Snocross and Mardi Gras.



## REGULAR MEETING, February 17, 2015

### Days of '76 Steer Roping

Public hearing was opened at 5:09 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed.

Ruth moved, Todd seconded to approve the use of the rodeo grounds August 26 through September 2, 2015 and waiver of vending fee on Friday August 28 through Sunday August 20, 2015. Roll Call: Aye-All. Motion carried.

Silvernail moved, Van Den Eykel seconded to allow the relaxation of the open container ordinance and Special Full Temporary liquor license at the Rodeo Grounds on Friday August 28, 2015. Roll Call: Aye-All. Motion carried.

Silvernail moved, Todd seconded to allow the relaxation of the open container ordinance and Special Full Temporary liquor license at the Rodeo Grounds on Saturday August 29, 2015. Roll Call: Aye-All. Motion carried.

Silvernail moved, Van Den Eykel seconded to allow the relaxation of the open container ordinance and Special Full Temporary liquor license at the Rodeo Grounds on Sunday August 30, 2015. Roll Call: Aye-All. Motion carried.

### Set

Todd moved, Ruth seconded to set public hearing on March 2 for open container, special full temporary liquor license, waiver of banner fee, waiver of vending fee and street closure on May 11 through May 17, 2015 for ATV Event at the Rodeo Grounds. Roll Call: Aye-All. Motion carried.

## NEW BUSINESS

### Second Reading

Discussion was held concerning second reading of Ordinance #1223 to amend residency requirement to include Lawrence County. Commissioner Todd stated he received several calls opposing the ordinance. He stated the intension of this ordinance was to make sure the City provides the best service possible to the residents of Deadwood. Sharon Martinisko, Wayne Morris and Terry Hauck spoke against the ordinance, stating the employee has a year to relocate and felt this will allow the employee to know their neighbors and be part of the community. Lenny Schroeder thought exemptions should be granted if ordinance does not pass. Bruce Oberlander stated the employees should be close enough to be available and part of the community. After further discussion, Ruth moved, Turbiville seconded to approve second reading of Ordinance #1223 to amend residency requirement to include Lawrence County. Roll Call: Aye-Ruth, Turbiville. Nay-Silvernail, Todd, Van Den Eykel. Motion failed.

### Appraisal

Silvernail moved, Todd seconded to accept appraisal report for city owned parcel: .262 acres located between Forest Avenue and Selbie Street valued at \$2,283.00, accept sealed bids with a minimum of \$2,000.00 until 5:00 p.m. on March 16, 2015 and open that same day at Commission meeting. Roll Call: Aye-All. Motion carried.

### Contract

Silvernail moved, Van Den Eykel seconded to contract with Dakota Tree Spraying for pine beetle spraying at Mt. Moriah and St. Ambrose at cost of \$10,668.00. Roll Call: Aye-All. Motion carried.

REGULAR MEETING, February 17, 2015

Grants

Silvernail moved, Ruth seconded to approve Outside of Deadwood grants totaling \$125,000.00 for the first half of 2015. The approved grants are: Black Hills Mining Museum – Archival Development - \$10,000.00; City of Buffalo Gap – Community Center Rehabilitation - \$2,900.00; Messiah Episcopal Church - Protect and Preserve Chief Solomon Iron Nation's gravesite - \$7,045.00; Dell Rapids Society of Historic Preservation – Odd Fellows Complex Rehabilitation - \$22,500.00; Fall River County Historical Society – Pioneer Museum Rehabilitation - \$4,500.00; Little Spearfish Conservation and Historic Preservation Association – Anderson House Restoration - \$15,000.00; Newell Museum – Bushnell Building Restoration - \$10,000.00; City of Lead – Highway 85 and 385 Trestle Sign - \$22,500.00; South Dakota Historical Society Foundation – Archival Development - \$20,000.00; Trinity United Methodist Church – Building Repairs - \$6,555.00; West Lead Cemetery – Restoration and Maintenance - \$4,000.00. Roll Call: Aye-All. Motion carried.

Deeds

Todd moved, Ruth seconded to allow Mayor to sign quit claim deeds for Lots 23 A and B of Peck's Garden Subdivision, City of Deadwood, Lawrence County, South Dakota, according to the plat recorded January 29, 2015 as document no. 2015-384 in the office of the Register of Deeds, Lawrence County, South Dakota and transfer to Deadwood-Lead Economic Development. Total area is 4,000 square feet. Roll Call: Aye-All. Motion carried.

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

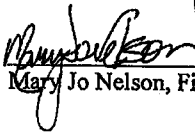
Turbiville stated Finance Office will draw names for ballot placement at 8:30 a.m. on March 2, 2015. Petitions are due in Finance Office by 5:00 p.m. February 27.

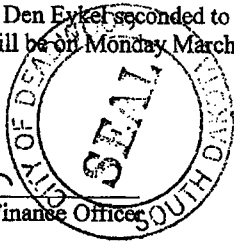
Historic Preservation Officer Kuchenbecker stated Historic Preservation Commission is a Regional Partner of the year with Forest Service and will be recognized through the Rocky Mountain Region Forest Service.

ADJOURNMENT

Todd moved, Van Den Eyke seconded to adjourn the regular session at 5:42 p.m. The next regular meeting will be on Monday March 2, 2015.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: March 2, 2015

BY: Charles M. Turbiville  
Charles M Turbiville, Mayor

Published once at the total approximate cost of \_\_\_\_\_

## REGULAR MEETING, August 17, 2015

At 4:00 p.m. a 2016 budget meeting was held with all Commissioners present, as well as some department heads. Discussion topics included Capital Improvement Plan and proposed budget from Fire Department. No action taken. Next budget meeting is scheduled at 7:00 a.m. on August 25, 2015.

The Regular Session of the Deadwood City Commission convened on August 17, 2015 at 5:00 p.m. in the Deadwood City Commission Chambers, 102 Sherman Street, Deadwood, South Dakota. Mayor Turbiville called the meeting to order with the following members present: Department Heads, City Attorney Quentin L. Riggins by phone and Commissioners David Ruth Jr., Mark Speirs, Gary Todd, and Jim Van Den Eykel. All motions passed unanimously unless otherwise stated.

### APPROVAL OF MINUTES

Ruth moved, Todd seconded to approve the minutes of August 3, 2015. Roll Call: Aye-All. Motion carried.

### APPROVAL OF DISBURSEMENTS

Todd moved, Van Den Eykel seconded to approve the August 17, 2015 disbursements plus additional bill. Roll Call: Aye-All. Motion carried.

ABC BUSINESS	SUPPLIES	94.06
ALBERTSON ENGINEERING	PROJECT	2,596.75
ALLEN, MEL	MEETINGS	125.00
ALSCO	SUPPLIES	81.97
AMANO MCGANN	TELECARDS	2,282.90
AMAZON WEB	SERVICES	229.26
BEE	CASES	71.40
BERG, DAREN	REFUND	500.00
BIESIOT, TONY	MEETINGS	75.00
BH CHEMICAL	SUPPLIES	1,292.02
BH DISPOSAL	SERVICE	400.00
BH LIBRARY	MIGRATION	627.71
BH PIONEER	ADS	784.31
BH POWER	SERVICE	3,063.93
BH WINDOW CLEANING	CLEANING	911.00
BLOOMBERG BUSINESSWEEK	SUBSCRIPTION	40.00
BUTLER MACHINERY	REPAIRS	6,709.13
CAI CONSTRUCTION	PROJECT	54,000.00
CAMPBELL SUPPLY	SUPPLIES	256.20
CENTURY BUSINESS	CONTRACT	518.12
CENTURY LINK	SERVICE	651.41
CHAINSaw CENTER	SUPPLIES	399.95
COCA COLA	SUPPLIES	95.20
CULLIGAN	SUPPLIES	160.00
DAKOTA SECURITY	SERVICE	131.12
DAKOTA TREE SPRAYING	SPRAYING	9,000.00
DAVE STAFFORD ARCHITECTURE	PROJECT	2,524.00
DAYS OF '76 MUSEUM	ADVOCACY	40,000.00
DEADWOOD ALIVE	SERVICE	30,000.00
DEADWOOD CHAMBER	SERVICE	147,795.04
DEADWOOD GRANITE	FLTECHER	550.00
DEADWOOD HARLEY DAVIDSON	REFUND	60.00
DEADWOOD HISTORY	ADS	6,773.51
EDDIE'S TRUCK	GASKET	198.84
EMERY-FRATT	BOOK	16.19
FALL RIVER COUNTY	GRANT	3,225.00
FARMER BROTHERS	SUPPLIES	26.10
FARRIER, MARIE	MEETINGS	150.00
FORGEY CONSTRUCTION	TOPSOIL	1,600.00
FRANKLIN BRONZE PLAQUES	PLAQUES	6,554.77
GALLS	UNIFORMS	286.64
GAYLORD BROS	CANISTER	154.80
GENERAL TRAFFIC	EQUIPMENT	5,911.12
GOLDEN WEST	SERVICE	710.00
GREEN, SHEREE	MEETINGS	150.00
HAUFF SPORTS	SUPPLIES	244.40
HD SUPPLY	SUPPLIES	157.14
HILLS MATERIALS	SAND	110.42
HR SPECIALIST	SUBSCRIPTION	139.00
INTEGRATED PARKING	SUPPLIES	66.40
INTERSTATE BATTERY	BATTERIES	197.70
KDSJ	AD	160.00
KELLY PRINTING	CARTRIDGES	243.70
KONE	MAINTENANCE	266.80
LAWRENCE TITLE COMPANY	SEARCH	150.00
LEAD-DEADWOOD SANITARY	USAGE	32,395.90
LYNN'S	SUPPLIES	52.65
MAM SANITATION	RENTAL	440.00
MACROVISION	SERVICE	1,491.19
MATHISON COMPANY	SERVICE	1,050.00
MERRITT, THOMAS	REFUND	1,500.00
MIDCONTINENT	SERVICE	65.00
MIDWEST ART CONSERVATION	WORKSHOP	1,000.00
MIDWEST TAPE	DVDS	75.96
MS MAIL	SERVICE	4,306.70
MUTUAL OF OMAHA	INSURANCE	229.19
NETWORK SERVICES	SUPPLIES	410.32
NEVE'S	UNIFORMS	451.75

## REGULAR MEETING, August 17, 2015

NORTHERN HILLS TECHNOLOGY	STORAGE	41.00
NORTHWEST PIPE FITTINGS	SUPPLIES	333.36
OPTEDAL CONSTRUCTION	PROJECT	88,921.44
PASSPORT PARKING	METERS	81.25
QUICK SIGNS	SIGNS	2,453.52
QUILL	SUPPLIES	215.82
RAPID DELIVERY	DELIVERY	12.08
RENNER, DONOVAN	REIMBURSEMENT	252.01
RUNGE, MIKE	REIMBURSEMENT	419.78
SD DEPT. OF CORRECTIONS	FIREWISE	4,892.13
SD DEPT. OF REVENUE	TAX	4,488.99
SD DEPT. OF REVENUE	LICENSE	150.00
SD ONE CALL	FEES	41.44
SD POLICE CHIEFS'	FORMS	175.00
SD PUBLIC HEALTH LAB	TESTING	30.00
SERVALL	SUPPLIES	528.65
SHEDD, JIM	MEETINGS	150.00
SOUTHEAST TECHNICAL	SCHOLARSHIP	1,000.00
SOUTHSIDE SERVICE	SERVICE	196.40
STRETCH'S	SERVICE	386.40
STURDEVANT'S	SUPPLIES	1,563.43
SUMMIT SIGNS	SIGNS	210.00
TALLGRASS	PROJECT	900.00
TOMS, DON	PROJECT	630.00
TRAFFIC CONTROL	SERVICE	340.60
TRIDLE, JOHN	REIMBURSEMENT	61.77
TRINITY UNITED	GRANT	4,000.00
TRUGREEN	SERVICE	140.45
TWIN CITY HARDWARE	SUPPLIES	1,850.58
TYLER TECHNOLOGIES	MAINTENANCE	12,608.60
UMENTHUM CARPENTRY	PROJECT	800.00
VAST BROADBAND	SERVICE	1,615.66
WASTE CONNECTIONS	SERVICE	8,531.63
WESTERN COMMUNICATIONS	SERVICE	25.00
WESTERN STATES FIRE	SERVICE	185.00
WYOPASS	SERVICE	600.00
	TOTAL	\$ 515,818.66

## ITEMS FROM CITIZENS ON AGENDA

### Invoice

Heath Page appeared before the Commission to dispute invoice received from City for weed control on property at 51 Highland. After much discussion and questions, Van Den Eykel moved, Speirs seconded to deny requested change in assessment. Roll Call: Aye-All. Motion carried.

### Requests

Ruth moved, Speirs seconded to allow Elks Lodge permission to apply for Special Alcohol License to sell liquor at Masonic Temple on September 12, 2015 from 7:30 p.m. to close and set public hearing on September 8, 2015. Roll Call: Aye-All. Motion carried.

Jon Mattson on behalf of Days of '76 Inc. requested use of rodeo grounds concession stand for Steer Roping Event August 28 through August 30, 2015. Mattson stated Ron Hoffman would do the catering. Commissioner Ruth stated that after making a substantial investment in the facility, the city wants to insure that users are trained to use the equipment. After discussion Van Den Eykel moved, Speirs seconded to deny use of concession stand for Steer Roping Event. Roll Call: Aye-Ruth, Speirs, Van Den Eykel, Turbiville. Nay-Todd. Motion carried.

After discussion and advise from Attorney Riggins, Speirs moved, Ruth seconded to rescind the above motion on September 8, 2015. Roll Call: Aye-All. Motion carried.

Jon Mattson on behalf of Days of '76 Museum requested waiver of fee to use a portion of rodeo grounds around ticket booth and area under grandstand excluding concession stand on Saturday September 5, 2015. After discussion about potential cost to city and cleanup, Todd moved, Ruth seconded to allow the waiver of user fee for a portion of rodeo grounds on September 5, 2015. Roll Call: Aye-Ruth, Todd, Van Den Eykel, Turbiville. Nay-Speirs. Motion carried.

## REGULAR MEETING, August 17, 2015

### CONSENT

Ruth moved, Todd seconded to approve the following consent items with exception of (I) Easement between City of Deadwood and Deadwood Mountain Grand for Snowmobile access, which was moved to new business at request of Commissioner Speirs. Roll Call: Aye-All. Motion carried.

- A. Approve and allow Mayor to sign change order #1 on Mickelson Bike Path Extension project. Change order adds twenty-one days to contract, no change in amount.
- B. Accept resignation from Finance Assistant Ashley Hansen effective August 19, 2015.
- C. Permission for Mayor to sign contract with Ferber Engineering Company to georectify the 1930 Sanborn Fire Insurance Maps; approved by the City Commission on February 2, 2015.
- D. Permission to increase wage of Rubble Site employee Richard Tisdall from \$10.20 an hour to \$10.71 an hour effective August 13, 2015 after one year of service.
- E. Permission to hire Brandy Nicole Ryan for patrol officer position at \$19.15 per hour effective August 15, 2015 contingent upon pre-employment testing.
- F. Allow Mayor to sign letter of commitment as a participating jurisdiction in the Lawrence County Multi-jurisdictional Hazard Mitigation Planning to Paul Thomson.
- G. Permission to hire Pam Goodwin as Parking Ramp Attendant at \$10.03 per hour effective August 18, 2015.
- H. Permission to hire Lyle Fritzemeier as Parking Ramp Attendant at \$8.97 per hour effective August 18, 2015.

### BID ITEMS

#### Accept

Discussion was held concerning the cost of retaining wall at 10 Harrison and the fact that only one bid was submitted. Afterwards, Todd moved, Ruth seconded to accept low bid from CAI Construction in the amount of \$165,000.00, Alternate #1 in the amount of \$12,500.00 for retaining wall at 10 Harrison. Roll Call: Aye-Ruth, Todd, Van Den Eykel, Turbiville. Nay-Speirs. Motion carried.

### PUBLIC HEARINGS

Public hearing was opened at 5:31 p.m. by Mayor Turbiville. No one spoke in favor or against, hearing closed. Van Den Eykel moved, Ruth seconded to approve the Retail (on-off sale) Malt Beverage and SD Farm Wine License for Ron and Lisa Jorgenson dba Happy Days at 639 Main Street. Roll Call: Aye-All. Motion carried.

#### Veterans March

Public hearing was opened at 5:32 p.m. by Mayor Turbiville. No one spoke in favor or against. Todd moved, Ruth seconded to allow the use of rodeo grounds Saturday September 19 from 6:00 a.m. to 9:00 p.m. and allow open container that same day from 10:00 a.m. to 9:00 p.m. Roll Call: Aye-All. Motion carried.

#### Oktoberfest Events

Public hearing was opened at 5:33 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber of Commerce, requested approval for the following:

Open Container Friday, October 2, 2015

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 5:00 p.m. to 10:00 p.m. Roll Call: Aye-All. Motion carried.

Open Container Saturday October 3, 2015

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance for same area as approved on October 2, 2015 from 12:00 p.m. to 6:00 p.m. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, August 17, 2015

### Street Closure, Waiver of Banner and Vending Fees

Todd moved, Speirs seconded to approve street closure on Main Street from Wall Street to Deadwood Street, including some adjacent side streets from 9:00 a.m. to 6:00 p.m., waiver of vending fees from 11:00 a.m. to 6:00 p.m. and waiver of banner fees on Saturday October 3, 2015. Roll Call: Aye-All. Motion carried.

### Wild West Songwriters Events

Public hearing was opened at 5:35 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber of Commerce, requested approval for the following:

#### Open Container Friday, October 9, 2015

Speirs moved, Todd seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 2:00 p.m. to 10:00 p.m. No one spoke in opposition. Roll Call: Aye-All. Motion carried.

#### Open Container Saturday October 10, 2015

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance for same area as approved on October 9, 2015 from 2:00 p.m. to 10:00 p.m. No one spoke in opposition. Roll Call: Aye-All. Motion carried.

### Deadweird Events

Public hearing was opened at 5:37 p.m. by Mayor Turbiville. Sarah Anderson, Deadwood Chamber of Commerce, requested approval for the following:

#### Open Container Friday, October 30, 2015

Speirs moved, Ruth seconded to allow the relaxation of the open container ordinance on Main Street from the Four Aces to Masonic Temple, Broadway Street from Wall to Shine, Sherman Street from Pioneer Way to the south side of Pine Street, Deadwood Street from Pioneer Way to Sherman Street, Siever Street, Pine Street from Main Street to Sherman Street and Lee Street from Pioneer Way to Sherman Street from 5:00 p.m. to 10:00 p.m. No one spoke in opposition. Roll Call: Aye-All. Motion carried.

#### Open Container Saturday October 31, 2015

Speirs moved, Todd seconded to allow the relaxation of the open container ordinance for same area as approved on October 30, 2015 from 12:00 p.m. to 10:00 p.m. No one spoke in opposition. Roll Call: Aye-All. Motion carried.

### Street Closure, Waiver of Banner Fee

Speirs moved, Van Den Eykel seconded to approve street closure on Main Street from Wall Street to Deadwood Street, including some adjacent side streets from 1:00 p.m. to 10:00 p.m., and waiver of banner fees on Saturday October 31, 2015. Roll Call: Aye-All. Motion carried.

Sarah Anderson thanked the Commission and City staff in advance for all the help during Kool Deadwood Nites.

## NEW BUSINESS

### Easement

Speirs moved, Ruth seconded to continue action until September 8, 2015 on easement between City of Deadwood and Deadwood Mountain Grand for snowmobile access on Mickelson Trail from December 15, 2015 to March 15, 2016. Discussion was held concerning the liability and responsibility for maintenance on that portion of the trail. Mayor Turbiville requested Planning and Zoning Administrator Nelson Jr. notify affected landowners. Roll Call: Aye-All. Motion carried.

### Allow

Van Den Eykel moved, Speirs seconded to pay South Dakota Public Assurance Alliance \$211,747.76 for insurance coverage to September 27, 2016. Roll Call: Aye-All. Motion carried.

## REGULAR MEETING, August 17, 2015

### Resolution

Speirs moved, Van Den Eykel seconded to approve Resolution 2015-12 Intent to Surplus Assets. Request permission to combine auction with Lawrence County in Spearfish on September 26, 2015 to dispose of some items and permission to destroy or schedule for sealed bid opening, time and date to be determined. Roll Call: Aye-All. Motion carried.

### RESOLUTION NO. 2015-12

#### A RESOLUTION TO DECLARE THE FOLLOWING SURPLUS PROPERTY

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus and destroyed:

1 Laptop (HP Elite Book w/o Hard Drive	1 16 Gauge shotgun shell
1 Motorola Radius SP50 Radio	2 Vacuums
3 PC Monitors	1 5 gal 2 HP shop vac
1 8mm Video Tapes	1 AC to DC Computer Dock
1 ATT Cordless Phone	2 Bag Phones
1 Belt Pack Transmitter (no mic)	1 Bissett Carpet Shampooer
1 Cassette recorder	2 Ceiling Fans
2 Chairs	Chargers for Sony camcorder
1 Blue Office Chair No Arms	2 Decatur Radar Units
1 Fax Machine	1 Four Paper Holder
1 HP 940c Desk Jet Printer	1 HP Computer Tower
1 HP Lazer Jet Printer 2035	4 In-Car Radios
3 Mini cassette recorders	1 Mini Cassette Tape
1 Modem	2 Motorola Maxtrac &
4 Motorola Radio Chargers	2 Motorola Radius P110 Radios
1 Office Chair w/Arms 00174	1 Office Chair w/Arms 00179
1 Office Chair w/torn upholstery	1 One Chair
1 PC - Card Reader	1 Sawzall
1 Standard HX381 Radio	1 Standard Radio Charger
1 Trooper Radar Unit	9 Two-Way Radios
2 Vertex VX2000)	9 VHS tapes and 1 cassette
1 set Vinyl Trolley Curtains	1 Wooden Bookshelf
1 Body Mic for 8mm Camera System	1 Flat Screen Monitor, Keyboard
10 Frequency knobs for portable radio	1 Lexmark Printer Model 260d
2 Makita 14.4 battery's with charger	1 misc. power box unknown for what
3 Motorola Radius SP50 Portable 2-Way Radios	Radar Parts
5 Body mics for portable radios not working	
3 Buckets of Misc. Items from Goldberg's	
2 SETS Cables and Mounting systems for digital eye witness	
1 Copier from City Shop/Ricoh 2238C K0340900511	
4 Digital eye witness A/C chargers for body mic	
1 Digital eye witness burner serial 7530UAA26761	
1 Digital eye witness camera serial FCB1X11A1092373	
1 Digital eye witness DVR series IN02783	
2 Digital eye witness screens serial IR00367 IN02782	
2 Boxes Letters and Paperwork from 1995-2003	
1 Mobile Motorola Radio not working Serial 726CKF0069	
1 Motorola Portable Radio not working Serial 687CJT2673	
1 Plastic bag containing owner's manual for Sony Camcorder	
2 Radio mics for mobile radios not working	
1 Ram Mounting System for Digital Eye witness Camera system incomplete broken	
1 Roxio Media Creator Computer Program	
1 Standard HX381 Portable 2-Way Radio	
1 Tan Tax 34 Light Bar control switch not working	

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following to be declared surplus.

1 1/2 HP Electric Motor	1 10' Flink Heavy Duty Plow, Old, Hydraulic
1 10' Western Plow, Used Hard, Hydraulic	1 100 ft. Cloth Tape
1 120G Motor Grader Manual	2 2 Drawer File Cabinets
1 22 Ton Air over Hydraulic Floor Jack	3 sets of Durango to Rails
1 36" Steel Door	3 4800 Water Pump for Heat System
2 4-drawer file cabinets	2 4x8 Reader Boards
3 5 Gal Buckets Grey Paint	1 5 gal Gas Can
1 50' 1/2 Cable	1 7'6 Skidsteer Mount Plow
1 8" Grinder Wheel Brush	1 8" Grinder Wheel Stone

**REGULAR MEETING, August 17, 2015**

1 Air Grease Gun	1 Antenna Base
1 Arrow	1 Assorted Nut Drivers
4 Auxiliary Cords	1 Battery Operated Calculator
1 Big Ram, Heavy Duty Pneumatic Hammer	1 Black Storage Cabinet
1 Box 8'2 V Plow, Used Hard, Hydraulic	1 Brake Bleeder
1 Brake Caliper Ford Truct	2 Brake Rotors Ford F450
6 Center Counsels	5 SQ FT Ceramic Tile
1 Charging Cord	2 Coffee Machines
1 Computer Keyboard	2 Computer Mouse
1 Curtis Mathis 15" TV w/vhs	1 Disk Holder
1 Drawer File Cabinet	2 Ethernet Cords
2 Gas Masks M17A2	1 Gazebo
1 Grey Cord	1 IT28 Loader Manual
1 IT28B Loader Manual	1 IT38F Loader Manual
2 John Deere Snow Blowers w/PTO Drive	1 Large Canvas Tarp
1 Light Bar	1 Manual Grease Gun
1 Map/Plan Cart	1 Metal File Cart on Wheels
Misc. Computer Cords	Misc. Straps (2 camera, 2 unknown)
1 Napa Fan Clutch #273393	4 Phone handset cords
1 Plastic bag with misc. electrical parts	1 Quarter Round Book Shelf
1 Radiator	4 Radio Carrying Cases
1 Read-All Water Meter Reader	4 Rechargeable Batteries for 2-Way Radios
1 Roll Down Door from HP Front Office	1 Safari Land Holster (model 275)
1 Sanborn Air Compressor	2 Cases Schaefer Fuel Additive
1 Security Camera	1 Side Box Truck
3 Siren Heads	1 Small Desk Lamp
8 Speakers	3 Surge protectors
4 Switch Boxes	1 Temporary Power Service
1 Tire 275 80 R225 with Rim	1 Tire 365 8020 with Rim
1 Tire Grader 1400x24	1 Tire Loader 175x25
5 Tire Michelin 235 80R 22.5 like new	1 Tire OHTSU 245 70R 19.5
4 Tires 10.00x20	6 Tires 215 85 RIL
2 Tires 235 85RIL	4 Tires Skid Steer 4-12x16.5
1 Toilet Wood	1 Tool Box Rolling
3 Trailers; 4'x3', 10'x4', 6'x3'	1 Tuning fork
2 SETS Tuning forks	1 Two Magazine Holders
1 Vivitar 35 MM Camera and Case	2 PALLETs Waddels water diversion tubes
1 Work Out Bench	1 Mikasa Wacker Packer, Needs Motor
1 2-Door Wooden box from Police Car	3 Cycle Diesel Engine -condition unknown
1 10' Tool Box from Bucket Truck, has 2 5' lids	
1 1988 Bo Mag Roller Packet, Model BW 130 AD 777 Hrs, parts/operation manual	
1995 Chevrolet Pickup 1GCFK24K6S237943	
1 Box Misc. Parts & Ice Cream Cone Dispenser	
1 Center Carrier Bearing Car Quest Part # HB88508	
2 HP keyboards (serial #B2ABOBGAUBOJM/#BC2AA0GVBX0EPL	
3 Mics for recording (used for unknown devices)	
1 Motor Parts from little spreader (Brig/Straton Intek 12.5 1208121ZA31387	
1 Motorola (Max-Trac) Base 2-Way Radio	
17 Multi Extensions/Phones, Rec Center & Streets	
2 Tire 245 70R 19.5 with Rims 10 Hole Super Duty Ford	
1979 International Dozer, Model TD15C, 60,000 pounds, 10 ft. blade	

**BE IT RESOLVED** by the Deadwood City Commission that the City of Deadwood approve the following to be sold as salvage.

1 Roll 1' Cable	Asst. Brackets
3 Baseboard Heater 8'	10 Lights T8 4'
1 Old Cherry Picker Engine Hoist	1 Old Safe
Parts for 6 x 6 Ever-Kold Refrigerator	1 Prisoner Barrier System
1 Roll Wire Fence	Signal Light Boxes
1 Sink - stand alone	1 Sink w/metal base
Tin from Days of 76 Museum	Parts for 8 X 6 United Cooler - McQuay

Dated this 17th day of August, 2015

ATTEST:

/s/ Mary Jo Nelson, Finance Officer

CITY OF DEADWOOD

/s/ Charles Turbiville, Mayor



REGULAR MEETING, August 17, 2015

INFORMATIONAL ITEMS AND ITEMS FROM CITIZENS

Finance Officer Nelson reminded the Commission the next budget meeting will be 7:00 a.m. on Tuesday August 25 in the Century room.

Chief Fuller stated the Police Department received a complaint concerning noise coming from certain businesses and asked for direction from Commission. He stated the current ordinance is outdated and a new proposed ordinance is in works. Mayor Turbiville asked Fuller to provide a copy of the proposed ordinance to Commissioners and Attorney and schedule the first reading on September 8.

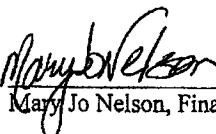
Mayor Turbiville requested Executive Session for legal matters per SDCL 1-25-2 (3) with possible action and union negotiations per SDCL 1-25-2(4) with no action.

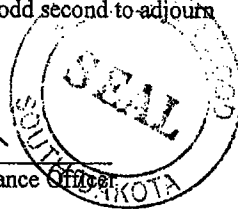
ADJOURNMENT

Van Den Eykel moved, Todd seconded to adjourn the regular session at 5:56 p.m. and convene into Executive Session for legal matters per SDCL 1-25-2(3) with possible action and union negotiations per SDCL 1-25-2(4) with no action. The next regular meeting will be on Tuesday September 8, 2015.

After coming out of executive session for union matters per SDCL 1-25-2(4) at 6:05 p.m., Van Den Eykel moved, Todd second to adjourn.

ATTEST:

  
Mary Jo Nelson, Finance Officer



DATE: 9-10-15

BY:   
Charles M Turbiville, Mayor

Published once at the total approximate cost of \_\_\_\_\_